

**GREATER HOUSTON (HARRIS COUNTY), TEXAS LOCAL
EMERGENCY PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC**

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ARTICLE I NAME

The name of this organization shall be the “Houston Local Emergency Planning Committee”, hereinafter referred to as “LEPC”.

ARTICLE II PURPOSE

- A. To carry out for the City of Houston and certain extra territorial jurisdiction areas (Emergency Planning District) those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, hereinafter referred to as “The Act”, and related regulations including but not limited to:
1. Development, training, and testing of emergency response plans affecting the City of Houston involving hazardous materials incidents.
 2. Develop procedures for regulated facilities to notify the LEPC in accordance with “The Act”.
 3. Develop procedures to receive and process requests from the public under the Community Right-To-Know provisions of SARA Title III or other applicable requirements.
 4. Provide public notification of LEPC activities (i.e. newsletter, General Membership Meetings, website, etc.).
 5. Promote and assure compliance and enforcement of notification and reporting requirements of “The Act” or other applicable requirements.
- B. To implement such other and further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the County Judge.
- C. The organization is organized exclusively for charitable, educational, and scientific purposes, including, for such purposes the making of distributions to organizations that qualify as exempt organizations under section 501 (c) (3) of the Internal Revenue Code or any future tax code.

ARTICLE III OPERATING PROCEDURES

Section 1. Powers and Duties.

The LEPC shall have full charge of the planning for emergency response and public information related to hazardous materials incidents, to the extent directed by the Act. It shall plan and direct the work necessary to carry out the mandated requirements.

Section 2. Fiscal Year.

The fiscal year shall be September 1 through August 31.

Section 3. Indebtedness.

The Executive Subcommittee prior to payment shall approve all indebtedness incurred by the LEPC.

Section 4. Use of Funds.

No part of LEPC funding shall insure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the LEPC shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II.

Section 5. Restriction of Activities.

Not with standing any other provision of these articles, the organization shall not carry on any other activities not permitted to carried on (a) by an organization exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code or the corresponding provision of any future federal tax code, or (b) by an association, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code or the corresponding provision of any future federal tax code.

Section 6. Distribution of Assets upon Dissolution.

Upon dissolution of the association, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (c) (3) of the Internal revenue Code or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the association is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively; for such purposes.

ARTICLE IV MEMBERSHIP

Section 1. Qualifications

The organization shall consist of those members elected by vote of the full LEPC committee. A perspective member is eligible for appointment as an Active Member after attending three General Membership Meetings. New members joining as replacement for Active Members need only attend two Meetings prior to appointment. A membership list shall be reported to the SERC on a timely basis.

The members shall represent the various professionals and community groups as designated by The Act. Members of the LEPC shall be residents of, or conduct business within the City of Houston. Members shall notify the Executive Administrator or the Secretary/Treasurer of changes in their membership status.

Section 2. Classifications

A. Active Member

Will meet all requirements of Article IV Section 6. Member will have voting rights and can be elected to an Officers Position.

B. Associate Member

Requirements of Article IV Section 6 are not applicable. Member does not have voting rights and can't be elected to an Officers Position. Member can be appointed and/or serve on sub-committee(s) or ad hoc committees.

C. Sustained Member

Requirements of Article IV Section 6 are not applicable. Member does not have voting rights and can't be elected to an Officer's Position. Member will provide monetary or in-kind donation and may serve on sub-committees or ad-hoc committees at the discretion of the Chairperson.

Section 3. Officers

Officers shall be elected to conduct Meetings, appoint sub-committees, ad-hoc committees, maintain financial records, keep documentation of Meetings, and to otherwise manage the LEPC.

Section 4. Vacancies

Any officer or Executive Subcommittee member (sub-committee chairperson) vacancy occurring in the LEPC by reason of resignation, death, or disqualification will be filled at the next General Membership Meeting. Executive Subcommittee Members will be appointed by the Chairperson and approved by the Executive Subcommittee.

Section 5. Alternate

Active Members shall designate a duly authorized alternate whose vote will be counted to determine a quorum, and who is permitted to vote in place of the Active Member, in their absence.

Section 6. Attendance

1. Active Member

Required to attend General Membership Meetings and other assigned committee Meetings (sub-committees, ad-hoc committees, etc.) Any Active Member that fails to attend three consecutive General Membership Meetings or three consecutive assigned committee Meetings will receive written notification from the Chairperson that their membership status has changed to Associate Member.

2. Associate Member

Required to attend the Annual General Membership Meeting (final Meeting of the calendar year). Any Associate Member that fails to attend the Annual General Membership Meeting will be dropped from the roll.

3. Sustained Member

No attendance requirements must be met.

4. Exemptions

The Executive Subcommittee will approve any excused absences (i.e. emergencies, illness, jury duty, vacation, etc.).

ARTICLE V OFFICERS and ELECTIONS

Section 1. Enumeration of Officers

The Officers of the LEPC shall be a Chairperson, Vice Chairperson, and a Treasurer who shall be elected by the General Membership.

Section 2. Eligibility.

All officers will be Active Members of the LEPC. The Chairperson shall serve for no more than one consecutive term in that office. Other officers may serve in the same position in consecutive terms. An officer who has served more than one half of a term is considered to have served a full term in that office.

Section 3. Nomination and Election

The Ad-hoc Nominating Subcommittee shall submit a nominee for each Officers position Chairperson, Vice-Chairperson, and Treasurer at the Meeting prior to the biannual Meeting (odd year). Additional nominations for any position shall be accepted from the floor before the election.

The election shall be by ballot, except when there is only one nomination for an office, at which time the election may be conducted by voice vote. Officers shall be elected by a majority of Active Members in attendance.

Section 4. Term of Office

The term of each officer's position shall be for a period of two years, starting immediately after the election at the biannual Meeting (odd number year).

Section 5. Vacancy

The Executive Subcommittee will fill any officer's position that becomes vacant.

Section 6. Duties of Officers

The officers of the LEPC shall perform the duties prescribed by these By-Laws and by the parliamentary authority adopted by the LEPC. Additional duties of the officers not covered elsewhere in these bylaws are:

6.1 Chairperson

The Chairperson shall preside over all General Membership Meetings of the LEPC, Executive Subcommittee Meetings and any special Meetings of the LEPC (only exception is the Ad-hoc Nominating Subcommittee). The Chairperson shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create any additional committees as deemed necessary.

6.2 Vice Chairperson

The Vice Chairperson is responsible for an annual review/revision of the By-Laws and annual update of the five-year Plan. The Vice Chairperson shall perform such other duties as may be assigned by the Chairperson. Upon the resignation, death, or absence of the Chairperson, The Vice Chairperson shall perform the duties of the Chairperson.

6.3 Treasurer

The Treasurer shall be the custodian of all financial records and documentation pertaining to the LEPC; keep an official record of the proceedings of all Meetings of the LEPC, including membership attendance; attend to the business needs of the LEPC; maintain an accurate record of all moneys received and expended for the use of the LEPC; prepare all reports required of IRS (501)(c)(3) of the Internal Revenue Code or the corresponding section of any future federal tax code. The Treasurer will serve as the Chair of the Finance, Administration, and Logistics Subcommittee.

ARTICLE VI COMMUNITY EMERGENCY COORDINATOR

Section 1. Position.

The LEPC shall have a Community Emergency Coordinator to fulfill requirements of Title III of SARA.

Section 2. Appointment

The Chairperson shall appoint the Community Emergency Coordinator with the approval of the Executive Subcommittee and ratification of the full LEPC Committee.

Section 3. Duties

The Community Emergency Coordinator shall maintain statistics on Houston Fire Department Hazardous Materials Responses and report significant incidents to the LEPC membership, shall establish relationships with facilities in Houston to promote coordinated response efforts, and shall serve as a member of the Executive Subcommittee.

ARTICLE VII EXECUTIVE SUBCOMMITTEE

Section 1. Members

The Executive Subcommittee shall consist of the Chairperson, Vice Chairperson, Treasurer, the LEPC Administrator, Community Emergency Coordinator, Legal Advisors, and the chairpersons of the Standing Subcommittees.

Section 2. Authority

The Executive Subcommittee shall have general supervision over the affairs of the LEPC between the general Meetings; and shall coordinate activities of the Standing Subcommittees and the ad hoc committees; define the duties of the LEPC Administrator and staff; fix the time and location of Meetings; make recommendations to the LEPC; and perform such other duties as are specified in the By-Laws.

Section 3. Meetings

Unless otherwise ordered by the Executive Subcommittee, the regular Meetings of the Executive Subcommittee will typically be held on the Wednesday prior to the General Membership Meeting.

Special Meetings of the Executive Subcommittee can be called by the Chairperson and may be called for by written request of three members of the Executive Subcommittee. The presence of three members shall constitute a quorum at a scheduled Executive Subcommittee Meeting.

ARTICLE VIII LEPC ADMINISTRATOR

Section 1. Position

An LEPC Administrator may be employed to assist the Executive Subcommittee in accomplishing the goals of the LEPC. The LEPC Administrator job description will be reviewed and revised accordingly on an annual basis by the Executive Subcommittee.

Section 2. Hiring and Tenure

The Executive Subcommittee is responsible for selecting and hiring the LEPC Administrator, defining his/her duties, establishing terms of compensation, and the tenure of the position.

Section 3. Performance Review

The Executive Subcommittee shall conduct an annual performance review of the LEPC Administrator position no later than August 31 of each year.

Section 4. Direction

The Chairperson shall have direct, primary authority over the activities of the Administrator in performing the duties set out by the Executive Subcommittee. The director of the appropriate affiliated Department of the City of Houston may provide additional direction. If a conflict arises, the LEPC Chairperson and the City of Houston Department Director will address it. Additional direction will be in accordance with the LEPC Administrator Job Description.

Section 5. Committee Membership

The LEPC Administrator will serve as a member of all standing and ad hoc subcommittees established by the LEPC excluding the LEPC Administrator Selection and Ad-hoc Nominating Subcommittees. The LEPC Administrator will provide administrative support to these committees as deemed appropriate by the Chairperson of the LEPC.

Section 6. The LEPC Administrator will be classified as an Active Member of the Houston LEPC.

ARTICLE IX MEETINGS

Section 1. General Membership Meetings

Except for the final Meeting of the calendar year, general Meetings of the full LEPC committee shall be held on the last Wednesday of every other month, beginning in January, unless otherwise ordered by the Executive Committee. The final Meeting of the calendar year shall typically be held on the First Wednesday of December unless otherwise ordered by the Executive Committee.

Section 2. Ad-hoc Nominations Subcommittee

The Ad-hoc Nominations Subcommittee will be appointed at the May General Membership Meeting and announce at the July odd year Meeting all candidates for Officers Positions. The Bi-Annual General Membership Meeting (September odd year) shall be for the purpose of electing officers and conducting any other business.

Section 3. Special Meetings

Special Meetings of the LEPC may be called by the Chairperson or by the Executive Subcommittee, and shall be called within 14 days upon written request of five members of the LEPC. The purpose of this Meeting shall be stated in the call. Except in cases of emergency, at least three days notice shall be given.

Section 4. Public Notice

The LEPC shall publish notice of general, nominations, and special Meetings on the public bulletin board of the City of Houston City Hall at least 72 hours prior to such Meetings.

In emergencies declared by the Chairperson and confirmed by a majority of the LEPC in attendance at an emergency Meeting, the 72 hour notice may be waived in accordance with Section 3A (h) of the Texas Open Meetings Act, Tex Rev. Civ. Statute. Ann. Art. 6252-17.

Section 5. Quorum

The presence of fifteen percent of the members of the LEPC at the opening of a full committee Meeting shall constitute a quorum for the transaction of business by the LEPC.

ARTICLE X SUBCOMMITTEES

Section 1. Standing Subcommittees.

Standing Subcommittees of the LEPC are Finance, Administration and Logistics; Planning and Operations; Information; and Liaison.

Section 2. Membership of Standing Subcommittees

All active members of the LEPC will volunteer to serve on at least one Standing Subcommittee. The LEPC Chairperson shall determine final membership on any Standing Subcommittees after consultation with the Executive Subcommittee.

Chairperson's from the Standing and Ad-hoc Subcommittees shall be appointed by the LEPC Chairperson and approved by the Executive Subcommittee. Associate or Sustained members may serve as a member of any standing Subcommittee(s).

Section 3. Meetings

Each Standing Subcommittee shall conduct a Meeting prior to the General Membership Meetings. The Chairperson of the LEPC or the Chairperson of those Standing Subcommittees may call additional Meetings, as deemed necessary. A majority of members shall constitute a quorum for the transaction of business.

Section 4. Duties of Standing Subcommittees:

A) Finance, Administration, and Logistics Subcommittee.

The Treasurer shall serve as the Chair of this Subcommittee. Other assigned members will include (but not be limited to) the LEPC Administrator, the Legal Advisor, and a representative from the City of Houston Department to which the LEPC Administrator is assigned. The subcommittee shall:

1. Identify and develop potential sources of funding and in-kind support for LEPC activities. Seek out and pursue funding sources through grants. Conduct fund raising activities.
2. Develop annual budget and long-range financial plan.
3. Coordinate office support for the LEPC office.
4. Conduct recruiting activities for potential LEPC members.
5. Ensure that an audit of LEPC finances is conducted each August by a Certified Public Accountant. This audit will be presented at the September General Membership Meeting.

6. Review legal issues and report to Executive Subcommittee or General Membership as appropriate.
7. Archive LEPC records on a regular basis.

B) Planning and Operations Subcommittee.

Members assigned to this subcommittee will include (but not be limited to) the Subcommittee Chair, the Community Emergency Coordinator, the LEPC Administrator, and a representative from the City of Houston Division of Emergency Management. The subcommittee shall:

1. Conduct annual response exercises with facilities, city, and other interested organizations in the LEPC. Provide a written After Action Report, complete with Lessons Learned, within 60 days of the annual exercise.
2. Review/revise Emergency Response Plan annually.
3. Identify and initiate training needs.
4. Evaluate emergency response capabilities and communicate the proposed changes to the appropriate parties. Review existing Federal, State, and local plans for the purpose of coordination with the LEPC planning process.
5. Evaluate city/municipal resources and procedures for public notification of a hazardous materials emergency.
6. Promote the development and implementation of an effective emergency notification system that would provide adequate communications during a hazardous materials emergency.
7. Coordinate activities with neighboring LEPCs.

C) Information Subcommittee.

Members assigned to this subcommittee will include (but not be limited to) the Subcommittee Chair and the LEPC Administrator. The subcommittee shall:

1. Promote community awareness about the potential for, the nature of, and handling of hazardous materials emergencies; and advise the public on appropriate actions to take in such an emergency.
2. Inform the public of LEPC Meetings, and arrange publicity for the LEPC.
3. Formulate policies and procedures concerning local, state and/or federal regulations that impact the community and/or LEPC.
4. Respond to public inquires and complaints regarding specific incidents or facilities.
5. Promote training opportunities for members of the LEPC, such as hazardous materials response, incident management, emergency management, and other appropriate training.
6. Serve as the liaison with the Houston-Galveston Area Council for matters regarding Project Impact.
7. Manage the LEPC website and update on a regular basis.

8. Establish procedures for receiving useful information from regulated facilities.
9. Compile available information on hazardous substance storage and transportation, and address the degree of hazard present.
10. Facilitate the communication of risk related information.
11. Maintain active liaison with Community/Citizen Advisory Panels within the LEPC's jurisdiction.
12. Coordinate activities with neighboring LEPCs.

D) Liaison Subcommittee.

Members assigned to this subcommittee will include (but not be limited to) the subcommittee Chair and the LEPC Administrator. The subcommittee shall:

1. Maintain liaison with federal, state, and local regulatory authorities and emergency responders.
2. Maintain active liaison with regional LEPCs.

Section 5. Ad-Hoc Subcommittees.

The Chairperson may create ad-hoc subcommittees as necessary to perform the functions of the LEPC. Examples of ad-hoc subcommittees include the Nominations Subcommittee and the By-Laws Review Subcommittee. The Chairperson, with the approval of the Executive Subcommittee, shall appoint the Chairperson and members of ad-hoc subcommittees.

ARTICLE XI AMENDMENTS & RULES

Section 1. Amendments

These By-Laws may be amended by a two-thirds vote of members present and voting at any General Membership Meeting of the LEPC provided that any proposed amendments to these By-Laws be submitted to the members in writing at least 30 days in advance of the Meeting.

Section 2. Rules.

The Executive Subcommittee shall initially consider any proposed rule(s) unless otherwise decided by the LEPC. If approved, the LEPC General Membership shall then vote on the adoption of the proposal.

ARTICLE XII PARLIAMENTARY AUTHORITY

Section 1. Parliamentary Authority

The rules contained in Robert's Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable.